IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIFTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23053 of 2004

Between:

K.CH.Rao, E-90499, S/o.Durgaiah,
R/o.Kovvuru, W.G.District.

..... PETITIONER

AND

1 The APSRTC, rep.by its Managing Director,

Musheerabad, Hyderabad.
2 The APSRTC, Rep.by its Regional Manager,

West Godavari Region at Eluru.
3 J.Paul, Driver, E-350691, Kovvuru Depot,

West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the 2nd respondent herein in promoting the 3rd respondent to the post of Assistant Depot clerk vide Proc.Dt.30-11-2004 is contrary to the Apex Court ruling in the case of Mallela VenkataRao Vs State of AP in respect of APSC (Rationalization of Reservations) Act, 2000 and as such liable to be set a side in the interest of the justice and pass such other order or orders.

Counsel for the Petitioner: MR.S.M.SUBHAN

Counsel for the Respondents: MR.V.T.M.PRASAD

The Court, at the admission stage, made the following :

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23053 of 2004

ORDER:

This writ petition has been filed to declare the action of the 2nd respondent herein in promoting the 3rd respondent to the post of Assistant Depot Clerk vide Proceedings dated
30-11-2004 as contrary to the Apex Court ruling in the case of Mallela Venkata Rao v. State of AP, in respect of A.P.Schedule Castes (Retionalization of Reservations) Act, 2000.

2. The learned counsel for the petitioner placed reliance on a Memo dated 28-12-2004 issued by the AP State Road Transport Corporation, Hyderabad, with regard to the promotions, wherein it is stated that all the unit officers are directed to consider the candidates belong to Scheduled Caste on the basis of their seniority without applying ABCD classification while implementing the Rule of Reservation in promotions/direct recruitment.

3. Taking into consideration the direction issued in the Memo dated 28-12-2004 as a guideline, I consider it appropriate that the promotion of 3rd respondent to the post of Assistant Depot Clerk vide proceedings dated 30-11-2004 is not in accordance with law. Hence, the promotion is set aside. It is made clear that the respondents have to follow the circular instructions and also the rules and regulations governed by the Corporation while giving promotions.

4. With the above observation, the writ petition is closed. No costs.

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February 25, 2005

Kvr

To

1 The Managing Director, APSRTC,

Musheerabad, Hyderabad.
2 The Regional Manager, APSRTC,

West Godavari Region at Eluru.
4 Two C.D copies.